IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 989 OF 2006.
IN
CRIMINAL APPEAL NO. 846 OF 2006.

Md.Farukh M.N.Choudhary
and another. ... Applicants.

Versus.

The State of Maharashtra. ... Respondent.

Shri M.H.Banderkar for the Applicants.

Shri Rajesh More, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 11th October, 2006.

P.C.:

1. This application for bail is filed by the original Accused Nos.1 and 4. Conviction of the said Applicants is for offence punishable under section 326 read with section 34 of the Indian Penal Code. The Accused No.1 has already undergone detention for a period of more than one year. Accused No.4 was in jail for about three months. The substantive sentence is of 3 years. Applicant No.2 (Accused No.4) was on bail during the trial and there is no allegation as regards the misuse of the liberty granted to him. Applicant No.1 (Accused No.1) has already undergone 1/3rd of the substantive sentence. The Appeal is not likely to be heard before the remaining period of sentence is over.

2. Hence the following order is passed:

i) Applicant No.1 (Mohd.Farukh Mohd.Naim Choudhary) shall be enlarged on bail in the sum of Rs.5000/- with one or two sureties in the like amount.

ii) Applicant No.2 (Mohd.Jimmy Mohd.Sagir Khan) be enlarged on the same bail on which he was enlarged during the pendency of the trial, subject to filing of fresh bonds.

iii) Bail is granted to both the Applicants subject to condition that they will report to the Nagpada Police Station on every first Saturday of every calender month till disposal of the Appeal.

Judge.